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## LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th  
September 1964:—

BILL No. 26 OF 1964

*A Bill further to amend the Code of Criminal Procedure, 1898.*

Be it enacted by Parliament in the Fifteenth Year of the Republic  
of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1964. Short title  
and com-  
mencement.

(2) It shall come into force at once.

5 2. In sub-section (1) of section 127 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the principal Act), the following words shall be added at the end, namely,— Amendment  
of section  
127.

5 of 1898.

10 “within a definite period of time to be specified in the  
command.”

3. In section 128 of the principal act,—

(1) the words “or if, without being so commanded, it conducts  
itself in such a manner as to show a determination not to disperse”  
shall be omitted; Amendment  
of section  
128.

(2) the following provisos shall be added at the end, namely,—

“Provided that no fire-arms shall be used by the police to disperse the unlawful assembly, unless earlier all attempts to disperse such assembly by use of the water-hose, tear-gas and light cane charge have been unsuccessful: 5

Provided further that no fire-arms shall be used unless there is manifest danger to life or unless large scale destruction of property is imminent.”

**Amendment** 4. In section 129 of the principal Act, for the words “If any such  
of section assembly cannot be otherwise dispersed”, the words, “If any such 10  
129. assembly cannot be dispersed by means and methods aforementioned”  
shall be substituted,

## STATEMENT OF OBJECTS AND REASONS

During the years since India attained independence, the powers conferred on the magistracy and the police by the Code of Criminal Procedure to disperse unlawful assemblies have been so frequently misused that certain safeguards against such abuse are deemed necessary. The Bill seeks to provide those essential safeguards.

NEW DELHI;  
The 16th March, 1964.

HARI VISHNU KAMATH.

## BILL No. 30 OF 1964

*A Bill further to amend the Delivery of Books and Newspapers  
(Public Libraries) Act, 1964.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title  
extent and  
commence-  
ment.

1. (1) This Act may be called the Delivery of Books and Newspapers (Public Libraries) Amendment Act, 1964.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5

(3) It shall come into force at once.

Amendment  
of  
section 2.

2. In part (b) of section 2 of the Delivery of Books and Newspapers (Public Libraries) Act, 1954 (hereinafter referred to as the 27 of 1954. principal Act),—

10

(1) after the word "Calcutta", the words "the Parliament Library at New Delhi" shall be inserted.

(2) for the word "three", the word "two" shall be substituted.

Amendment  
of  
section 3.

3. In sub-section (1) of section 3 of the principal Act, for the word "three", the word "two" shall be substituted.

15

## STATEMENT OF OBJECTS AND REASONS

In free India, the Library of Parliament is as important a national institution as is the Congressional Library in the United States or the Library of the British Parliament. It is but meet and proper, therefore, that it should find a place beside the Calcutta National Library in the Act. The number of 'other' libraries is consequentially reduced from three to two, so as not to disturb or upset the scheme of the parent Act.

NEW DELHI;

HARI VISHNU KAMATH.

*The 23rd March, 1964.*

## BILL No. 47 OF 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1964.

(2) It shall come into force at once.

Amendment  
of article  
316.

2. In article 316 of the Constitution, in clause (2), for the words “sixty years” the words “sixty-two years” shall be substituted.

5

## STATEMENT OF OBJECTS AND REASONS

The Constitution had fixed the age of retirement of Judges of the Supreme Court and members of the Union Public Service Commission at sixty-five years and that of Judges of High Courts and members of the State Public Service Commissions at sixty years. Thus, so far as the age of retirement was concerned, the Constitution envisaged parity between Judges of the Supreme Court and members of the Union Public Service Commission on the one hand, and Judges of the High Courts and members of the State Public Service Commissions, on the other.

The Constitution (Fifteenth Amendment) Act, 1963 has now raised the age of retirement of Judges of High Courts to sixty-two years. Therefore, in order to restore the parity, originally envisaged by the Constitution, it is proposed to raise the age of retirement of members of the State Public Service Commissions also to sixty-two years.

NEW DELHI;  
*The 30th March, 1964,*

S. N. CHATURVEDI.

## BILL No. 37 OF 1964

*A Bill further to amend the Code of Criminal Procedure, 1898.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1964.

(2) It shall come into force at once.

5

Omission  
of section  
109,

2. Section 109 of the Code of Criminal Procedure, 1898, shall be omitted.

5 of 1898.



## STATEMENT OF OBJECTS AND REASONS

Section 109 of the Code of Criminal Procedure, 1898 is against the dignity of the citizens of a free country. It makes unemployment a punishable offence, whereas the Government is not prepared to undertake responsibility for the unemployed. Moreover, it makes punishable not an offence but the likelihood of an offence which is against the fundamental principles of jurisprudence.

Hence the Bill.

NEW DELHI;

RAM MANOHAR LOHIA.

*The 11th April, 1964.*

## BILL No. 48 of 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

**Short title.** 1. This Act may be called the Constitution (Amendment) Act, 1964.

**Omission of article 331.** 2. Article 331 of the Constitution shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Since article 331 has outlived its utility, it is high time that it is omitted. Hence this Bill.

NEW DELHI;

PANNA LAL BARUPAL

*The 17th April, 1964.*

## BILL No. 49 OF 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title.      1. This Act may be called the Constitution (Amendment) Act, 1964.

Amendment of article 295.      2. In article 295 of the Constitution, the words and letter “Part 5 B of”, wherever they occur, shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

"Part B" of the First Schedule has been omitted from the Constitution of India but article 295 has not been amended accordingly. This Bill is, therefore, intended to rectify this error.

NEW DELHI,  
*The 18th April, 1964.*

V. C. PARASHAR.

## BILL NO. 52 OF 1964

*A Bill further to amend the Indian Stamp Act, 1899*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short  
title and  
com-  
mence-  
ment.

1. (1) This Act may be called the Indian Stamp (Amendment) Act, 1964.

(2) It shall come into force at once.

5

Amend-  
ment of  
section 3.

2. In section 3, in clause (b), of the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), after the words "payable otherwise than on demand" the word "cheque" shall be inserted.

2 of 1899.

Amend-  
ment of  
Schedule  
I.

3. In Schedule I of the principal Act, after article 20, the following new article shall be inserted, namely:—

10

"21. Cheque payable on demand . . . . Ten paise."

## STATEMENT OF OBJECTS AND REASONS

Banking business and banking habit have grown in the country and, therefore, the imposition of stamp duty on cheques will benefit revenues of the Centre and the States to a great extent.

Hence the Bill.

NEW DELHI;  
*The 9th April, 1964.*

NIHAR RANJAN LASKAR.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND  
274 OF THE CONSTITUTION OF INDIA

*[Copy of letter No. F. 1/34/64-Cus.-VII, dated the 21st July, 1964  
from Shri T. T. Krishnamachari, Minister of Finance to the  
Secretary, Lok Sabha.]*

The President having been informed of the subject matter of the Indian Stamp (Amendment) Bill, 1964, recommends under articles 117(1) and 274(1) of the Constitution of India, the introduction of the Bill in the Lok Sabha.

## BILL No. 59 OF 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Amendment) Act,  
1964.

Amend- 2. In article 75, after clause (1), the following clause shall be  
ment of inserted, namely:—  
article 75.

“(1A) In the event of the occurrence of a vacancy in the office of the Prime Minister by reason of his death, the old Council of Ministers shall continue in office and the senior-most Minister shall act as Prime Minister until the appointment of a new Prime Minister by the President.”



## STATEMENT OF OBJECTS AND REASONS

In the event of the death of the Prime Minister, there is no provision in the Constitution for the continuance of the old Council of Ministers and the discharge of the functions of the office of the Prime Minister. It is, therefore, proposed to provide for the continuance in office of the Old Council of Ministers and the discharge of functions of the Prime Minister by the senior-most Minister until the appointment of a new Prime Minister by the President.

Hence this Bill.

NEW DELHI;  
*The 1st June, 1964.*

YASHPAL SINGH.

## BILL No. 60 OF 1964

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

Short  
title.

1. This Act may be called the Constitution (Amendment) Act, 1964.

Amend-  
ment of  
article  
75.

2. In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that the number of Ministers shall in no case exceed twenty or one-fortieth of the total number of members of the House of the People and the Council of States, whichever is less.”

Amend-  
ment of  
article  
153.

3. In article 153 of the Constitution, after the proviso, the following further provisos shall be added, namely:—

“Provided further that no person who has been defeated in the previous general elections shall be appointed a Governor.

Provided further that the Governor shall not belong<sup>15</sup> to any political party, and must not have been a member of any political party within five years immediately preceding the appointment.”

Amend-  
ment of  
article  
164.

4. In article 164 of the Constitution, in clause (1), after the proviso, the following further proviso shall be added, namely:—<sup>20</sup>

“Provided further that the number of Ministers shall in no case exceed one-fortieth of the total number of members of the Legislative Assembly, and in a State having a Legislative Council, of both Houses of the Legislature.”

## STATEMENT OF OBJECTS AND REASONS

Recently the number of Ministers at the Centre and in the States has tended to increase and become quite unproportionate to the duties and objectives involved. They are a heavy burden on the tax payer.

Similarly, the appointment of defeated persons to become Governors not only sets a bad example but is in derogation to the voice of the electorate.

Therefore, a check on the appointments of Ministers and Governors is necessary in the interest of propriety and good government and for the welfare of the nation as a whole.

Hence the Bill.

NEW DELHI;  
*The 30th July, 1964.*

KRISHNAPAL SINGH.

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S. L. SHAKDHER,  
*Secretary.*

